



# **TOWN OF LOOMIS**

## **ACTION MINUTES REGULAR MEETING OF LOOMIS TOWN COUNCIL LOOMIS DEPOT**

**5775 HORSESHOE BAR ROAD, LOOMIS, CA 95650**

<b>TUESDAY</b>	<b>OCTOBER 12, 2010</b>	<b>7:00 P.M.</b>
<b>CLOSED SESSION</b> – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.		
a. <b>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION.</b> Initiation of litigation pursuant to subdivision (c) of Section 54956.9: One potential case		
<b>TUESDAY</b>	<b>OCTOBER 12, 2010</b>	<b>7:30 P.M.</b>

### **CALL TO ORDER**

Call to order by Mayor Liss at 7:30 p.m.

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Present:

Mayor Liss  
Councilmember Kelley  
Councilmember Morillas  
Councilmember Scherer  
Councilmember Ucovich

### **STATEMENT OF ACTION TAKEN DURING CLOSED SESSION**

Close session was canceled.

### **PROCLAMATIONS/RECOGNITIONS**

Cowpoke Fall Gathering - Bert and Carol Braun

Eggplant Festival - Leaders and Founding Members

Henry Schneider, Rhichard and Nancy Beck, Jennifer Knisley, Brenda Newsom and Councilmember Ucovich received recognition.

### **MATTERS OF INTEREST TO COUNCILMEMBERS/FUTURE AGENDA ITEMS**

Councilmember Morillas reminded everyone that we are having a free dump day on October 23<sup>rd</sup> at Del Oro High School.

Councilmember Scherer stated the following:

- there is a United States Marine Core birthday celebration on November 10<sup>th</sup> in Penryn at Houston's restaurant, everyone is invited
- he suggested sending an email if anyone is interested in going

Councilmember Ucovich pointed out that this Thursday at 7:30 a.m. Placer County Transportation Commission in cooperation with Clark Powers School is going to have a "safe walk to school" day at Sunrise Loomis Park then they will walk over to the school.

Councilmember Kelley stated the following:

- Del Oro FFA project is moving along, they have graded with the help of American Legion
- they also got help from the Chamber of Commerce to assist in the plumbing
- he gave an update on the bathrooms at the park: they are going to install the septic tanks, put the lines in, and the drawings for the building are being finished so they can get started on the construction

Mayor Liss pointed out the following:

- Band Spectacular is this weekend
- Homewood is having a Ribbon Cutting ceremony tomorrow
- Sierra College Boulevard widening has begun
- Green Ribbon Task Force will be on October 20<sup>th</sup>
- there will be a tree planting ceremony at Heritage Park on November 20<sup>th</sup>
- tomorrow night in Newcastle there will be a "Meet the Candidates" night, including discussion on Proposition 23

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

**Written Material Introduced Into the Record:** Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

**PUBLIC COMMENT:** This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker may be limited to five minutes or less, at the discretion of the Mayor.

No public comment.

**ADOPTION OF AGENDA:** Council will typically adopt the agenda in the order listed or modify the order in a way that can best accommodate the time of people in attendance who wish to speak on particular items.

A motion was made to adopt the Agenda, moving item 14 before item 12. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

**OPPORTUNITY TO COMMENT ON CONSENT CALENDAR:** All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda, pulling items 8 and 9 forward for discussion. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

## CONSENT AGENDA

## RECOMMENDED ACTION

- |    |  |   |                               |
|----|--|---|-------------------------------|
| 1. | Council Minutes –                          | 9/14/10 With Councilmember Ucovich abstaining<br>9/23/10, 5/6/10, 8/25/10<br>6/3/10 With Councilmember Scherer abstaining | APPROVE<br>APPROVE<br>APPROVE |
| 2. | Monthly Check Register – September         |   | RECEIVE AND FILE              |
| 3. | Statement of Activity                      |   | RECEIVE AND FILE              |
| 4. | Treasurer's Report                         |   | RECEIVE AND FILE              |
| 5. | Planning Status Report                     |   | RECEIVE AND FILE              |
| 6. | 2010/11 Goals Update                       |   | RECEIVE AND FILE              |
| 7. | Select Rocklin Development Projects Update |   | RECEIVE AND FILE              |

## CONSENT ITEMS FORWARDED

- |    |  |                  |
|----|--|------------------|
| 8. | A Resolution Of The Council Of The Town Of Loomis<br>Opposing Proposition 26 in the November 2010 State Election | ADOPT RESOLUTION |
|----|--|------------------|

Councilmember Kelley stated the following:

- this is a resolution put forth by the Council, it is not routine in nature, the public has not had a chance to look at this
- it is not our place to support this, the public will take care of it by their vote

Perry Beck, Town Manager, stated the following:

- this proposition requires certain State and local fees be approved by a 2/3 vote
- included in the packet is information on this and an analysis by the legislative analyst as well as pro and con statements on the measure

Gil Martin, 7931 Boulder Creek Road in Penryn, stated the following:

- he is not for or against it but he questions the process the Council is taking on the proposition
- asked how the Council arrived at opposing this proposition

Jo Carol Arisman, 6160 Rachel Lane, stated the following:

- she sent over a public analysis, "ethic rules for ballot measures," and expounded on them
- it has to be an open environment, anybody can come, anybody can express their view point
- it is good practice for a city official to inform the audience that he or she is appearing as a private party and not as an official for the city
- she questions how the Council can do this because this information comes from the Fair Political Practice guide

Perry Beck stated the following:

- the document that Ms. Arisman sent to the Town was sent to Dave Larsen, the Town attorney (he is not here tonight)
- Dave Larsen said the Council can take a position on a proposition like this if they have the Town interest in mind
- this proposition certainly has a Town interest in mind because it changes the dynamics of voting, not only at the state level but at the town level too

Mayor Liss pointed out the following:

- in the packet it highlights different fees that could be subject to Proposition 26
- he believes in majority rule, that is what this Country was founded on
- local and state government has gotten themselves into a box and can't get out of it, dysfunctional budgeting processes
- we need to come up with improved methods of budgeting that is fiscally conservative, living within our means, but doable

Following further discussion on the matter, a motion was made to adopt Resolution 10-26, opposing Proposition 26 in the November 2010 State election. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote, with Councilmember Kelley abstaining.

## 9. Revise Engineering Agreement with Omni-Means For Downtown Park Project

*APPROVE*

Councilmember Ucovich stated the following:

- who initiated the additional costs
- does 60% construction drawings mean that we still have an additional 40% that we will be billed for

Perry Beck stated the following:

- the original plan for the park was to keep it at a size that would be in conformance with the State grant program (total of \$420,000)
- over a period of time, as the consultant has met with the Town, the size of the park has increased
- from the additional meetings there has been additional work required and a couple of surprises from the bid alternates in order to accommodate what the Council and community thought would be good to have in the plan
- there was a lot of focus on the skate park area, the planting scheme (native planting), and using bio-swales
- we needed to prepare the erosion control plan because we missed the summer building season and we will be building in the winter
- finally, there was a problem with the water service, when the Town acquired the railroad property we also acquired the old service from the Blue Anchor shed and in order to make that work we need to do a lot line adjustment and put that service on one line, if we moved it to another lot (west side of the Depot) than we would have to buy a new tap
- we are going to be saving some money (around \$30,000) to not have to put in the new tap

Scott Robertson, project manager with Omni Means, stated the following:

- they are ready to take the plans and turn them in for a bid option
- they still have to take the plans to SPMUD for their approval

Vic Markey, 3254 Taylor Road, stated the following:

- he was surprised the bid was so low
- he is concerned that we will have another year of deficit spending and people are losing their homes and losing their jobs

Jennifer Knisley, 4135 Hunters Drive, stated that she is confused, she was under the impression that they were encouraged to put all the things that they wanted into the park plan.

Councilmember Scherer clarified on the following:

- making allegations of deficit spending only demonstrates a lack of understanding of how government financing actually works
- over 25 years the Town has put away money into a rainy day reserve so that we can continue to operate and provide high quality of services to our community when the economy is not good
- we created a substantial fund exactly for that purpose
- this has always been the long term financial plan for the Town of Loomis
- also, we accumulate funding over many years in order to build projects
- he is a little concerned that the Town is absorbing all of the costs for the misunderstandings and lack of definition and research up front by the consultant
- Unfortunately, we will have to pay this in order to meet our grant deadlines
- in the future, we need to make sure that misunderstandings and lack of clarification by consultants is not going to be absorbed by the town
- we hold many public meetings, things are subject to change based upon the public input that we get, that is how we work

Councilmember Kelley stated the following:

- he looked at a lot of change orders in the business he was in to identify whether they were good or bad or taking advantage of
- on this project they are justified in every line item they have given us
- we had a lot of public meetings and there is no way to identify the costs of public meetings in Loomis
- we had more public meetings with this Council, this year, than any other council ever had before

Following further discussion on the matter, a motion was made to approve the increase of \$36,300 for Omni-Means on the Downtown Park project. On motion by Councilmember Kelley, seconded by Councilmember Morillas and passed by voice vote, with Councilmember Scherer voting no (4/1).

## BUSINESS

### 10. Sierra College Boulevard Left Turn Pocket Agreement

Western Care Construction Company wishes to have an agreement with the Town to have a left turn access off Sierra College Boulevard to their office building at 4020 Sierra College Boulevard

**Recommended action:** Authorize agreement generally as shown in the draft or as may be edited by the Council and subject to the satisfaction of the Town Attorney as to form and authorize Mayor to sign

**Public comment:**

Perry Beck handed out changes to the agreement and stated the following:

- the changes are noted in red, primarily technical changes to better clarify certain clauses
- the Town attorney has reviewed this and approved it

Councilmember Scherer asked if the word "except" should be "exempt" on page 4, (5) on the last line of the paragraph?

Markus Loduga, on behalf of Western Care, pointed out that the language came from the Town and not from his office.

Mayor Liss stated he voted against losing the landscaping for a left turning lane, we are all about trees and we fought very hard to get the landscaping in this area in our negotiations with Rocklin.

Councilmember Ucovich stated that he doesn't see the need for a left turning lane.

Following further discussion on the matter, a motion was made to approve the agreement with the change of the word from "except" to "exempt." On motion by Councilmember Scherer, seconded by Councilmember Kelley and passed by voice vote, with Councilmembers Liss and Ucovich voting no (3/2).

Recess at 8:55 p.m. to 9:05 p.m.

### 11. Swetzer and Rippey Roads Entry and Address Signs

At the meeting with Swetzer and Rippey Roads business owners in August the idea of business area entry and address signs came up as something to consider

**Recommended action:** Discuss and give direction as to how Council wishes to proceed

**Public comment:**

No public comment.

Mayor Liss suggested the following:

- approve the proposed directional signs
- not requiring any additional permits for the address signs
- have staff work on a pre-approved standard sign package that can be offered by Mr. Ingram or someone else on a business to business basis
- town pay for the entry signs and pre-approve a package that can be sold to businesses

Councilmember Morillas stated the following:

- we should purchase the entry signs and change the 'Industrial' to "Business"
- approve the cul-de-sac signs
- have a meeting with the Swetzer/Rippey Road businesses again

Councilmember Scherer stated the following:

- he is in support of the entry signs and address signs
- see if business owners are interested in coordinating the address signs
- sending out the letter is an excellent idea (with a couple of edits)
- no new regulations are needed but a follow-up meeting
- don't want to include paragraph 4

Mayor Liss suggested sending the letter back to staff with comments from tonight incorporated in it.

Councilmember Kelley suggested the following:

- he likes the signs but not the wood base holding up the sign
- it needs to have a concrete base with steel bar supports, or maybe corrugated steel
- he suggested taking about 90% of the letter out
- let the businesses know that if they don't like these ideas or they have better ideas than we would like to hear from them
- we would be willing to approve something else if they can come up with a better idea

Councilmember Ucovich stated the following:

- first we need to send a letter with a picture of the signs stating that the Town is considering these signs
- it needs to have a deadline to be mailed back, this way we will find out if the businesses are really interested in doing this
- he would like to see a simple letter, not with the minutes, with the question and a yes or no response
- after the responses are back a meeting should be called
- he agrees with Councilmember Kelley – a corrugated metal backing on the signs

Following further discussion on the matter, a motion was made to approve the following:

- the entry signs changed to Business Park for Swetzer and Rippey Roads
- ask staff to send a simple letter to the businesses, not as minutes, with a brief summary of the key points from tonight's discussion
- the letter will include that the Council has budgeted to spend money for entry signs and ask if the businesses are interested in the entry signs and moving forward with the address signs (with a question: yes or no)
- entry signs be modified with a stronger base (example: corrugated steel)
- a meeting will be set after the responses to the letter come back

On motion by Councilmember Ucovich, seconded by Councilmember Kelley and passed by voice vote.

At this time Council discussed item 14.

12. **Extending Cable Service to Unserved Areas of Town**

Following the WAVE Cable presentation at the September meeting a committee of Council Members and staff met with WAVE officials to discuss extending cable service to un-served areas of Town

**Recommended action:** Discuss and give direction and if the Council so decides, add extending broadband service as a task in Goal #4 of the list of the Town's current goals

**Public comment:**

Council discussed this item after item 14.

Jo Carol Arisman, 6160 Rachel Lane, stated the following:

- she has Dish and several of her neighbors have Dish, she doesn't think there are 5 people on Rachel Lane that uses cable
- she likes the idea of a survey, it would be a waste of money if there isn't enough interest

Following further discussion on the matter, a motion was made to add to Goal 4, "improve communications and understanding among all Town leaders and stakeholders by 6/30/12" and direct staff to put together a fine detailed map where service is currently provided and survey un-served areas to come back to the Council with the information and data for a decision. Following is discussion on the matter:

Councilmember Ucovich stated the following:

- regarding a survey, cable is required to go so far (500 or 1000 feet) to provide service
- beyond that they have what they call penetration rate, we need to find out the penetration rate (for example, if it's 60 units per acre than there is no sense to do a survey)
- if they don't have enough customers per square mile, they will not be required to provide the service

Amend the motion to add review of the franchise, legal issues, and the penetration rate. On motion by Councilmember Scherer, seconded by Councilmember Morillas and passed by voice vote.

13. **Town Holiday Festivity**

From year to year Council has conducted a December holiday festivity consisting of some entertainment and tree lighting

**Recommended action:** Authorize proceeding with the 2010 holiday festivity on December 4<sup>th</sup> per the schedule noted in this report

**Public comment:**

Councilmember Morillas asked to delete item 4 in the Notes because she will not participate in passing of the bill.

Jo Carol Arisman stated the following:

- asked how do people like her (older citizens) get the flyers
- suggested notifying the Senior Center on Brace Road

Council discussed and directed staff with the following :

- send flyers home to the grammar schools for the event
- advertise in the Loomis News
- post at Raley's,
- send flyers to the Senior Life Center and the various churches in the community
- notice in the Chamber News letter

- invite civic and community leaders
- hi-light what will be happening in the area for a holiday schedule of activities
- ask chamber if they can work with us in coordinating of the lighting of the businesses downtown
- Santa will be coming
- have Town Hall lights and contribute to the lighting of the Downtown right after Thanksgiving or begin at 5 p.m. on December 4<sup>th</sup>

Following further discussion, a motion was made to approve \$200 for additional LED lights or other displays for decorating in the downtown. On motion by Councilmember Scherer, seconded by Councilmember Kelley and passed by voice vote.

#### 14. Heritage Park Subdivision Planning

The Heritage Park Subdivision was acquired by the Town in 2009 for the purpose of turning around a troubled project to benefit the Town and staff seeks clarification as to how the Council wishes to proceed in order to decide what to do with the Subdivision

**Recommended action:** Table until January when the new Council can consider the project

**Public comment:**

Council discussed item 14 after item 11.

Tate Abdon, Black Bear Outdoors, stated the following:

- they are finding out that there is a lack of a paintball fields in the area, the closest one is an hour away
- the Heritage Park Subdivision area would be perfect
- he was hoping to use part of the property that would be sectioned off with netting and being able to have blow-up bunkers, with nothing solid, everything can go up very quickly and down quickly
- the Town wouldn't have to put out any money
- they use bio-degradable paintballs

Following further discussion on the matter, a motion was made to table this item until January. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

## COMMITTEE REPORTS

15. Placer County Community Services Commission - Kelley
16. Placer County Economic Development Commission – Ucovich
17. Placer County Flood Control/Water Conservation District – Morillas/Liss
18. Placer County Transportation Planning Agency – Ucovich/Kelley
19. Placer County Mosquito Abatement – Kelley
20. Placer County Air Pollution Control District – Ucovich/Morillas
21. Sacramento Area Council of Governments – Scherer/Liss
22. Placer Land Trust ex-officio representative – Scherer
23. Borders Committee – Scherer/Liss
24. Business Committee – Scherer/Liss

## ADJOURNMENT

A motion was made to adjourn at 10:00 p.m. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

  
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Mayor

  
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Town Clerk